



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

August 20, 2008

The Honorable Henry A. Waxman  
Chairman, Committee on Oversight,  
and Government Reform  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your recent letter regarding your concerns with the National Highway Traffic Safety Administration's (NHTSA) proposed rulemaking on roof crush resistance for motor vehicles, and your suggestion to take the time to issue a strong and protective rule. I am pleased to respond.

On June 30, I informed the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science and Transportation that a final rule will be issued by October 1. A copy of the letter to Congressman Dingell is enclosed.

At this time, we are giving consideration to all comments submitted in response to the agency's proposal, including those that you have provided. As you have requested, a copy of your letter and this response will be placed in the record at Docket NHTSA-2008-0015.

An identical response has been sent to the Ranking Member of the House Committee on Oversight and Government Reform. If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

A handwritten signature in black ink, reading 'Mary E. Peters', is written over a horizontal line.

Mary E. Peters

Enclosure



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JUN 30 2008

The Honorable John D. Dingell  
Chairman, Committee on  
Energy and Commerce  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Chairman:

Provisions of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Section 10301, Vehicle Rollover Prevention and Crash Mitigation, require that performance criteria to upgrade Federal Motor Vehicle Safety Standard No. 216 relating to roof strength for driver and passenger sides be established by July 1, 2008. Further, if the Department determines that the deadline for a final rule under this section cannot be met, that law provides that the Senate Committee on Commerce, Science and Transportation and the House Committee on Energy and Commerce must be notified and a new deadline established.

In August of 2005, the Department published a Notice of Proposed Rulemaking (NPRM) to upgrade the roof crush requirements of light passenger vehicles. Among the major provisions, the NPRM proposed to extend application of the standard to heavier vehicles, increase the roof strength requirements by 66 percent from the current level so that a vehicle would sustain a load equal to 2.5 times its unloaded weight, and require a new headroom criterion. The NPRM was issued as a part of the agency's comprehensive plan for reducing occupant injuries and deaths occurring in rollover crashes and fulfilled the SAFETEA-LU requirement to issue a proposal by December 31, 2005.

In response to extensive public interest and comments on the NPRM, a Supplemental Notice of Proposed Rulemaking was published on January 30, 2008, modifying our original proposal to include for consideration a two-sided test requirement. The comment period was held open until March 27. Because of the number of new comments we received and the additional analyses that are required, additional time is now needed to complete the final rule. We will issue a final rule by October 1, 2008.

An identical letter has been sent to the Ranking Member of the House Committee on Energy and Commerce; and the Chairman and Vice Chairman on the Senate Committee of Commerce, Science and Transportation.

Sincerely yours,

A handwritten signature in cursive script that reads 'Mary E. Peters'.

Mary E. Peters